

FILED

MAR 10 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILEMON HERNANDEZ-ARAUJO; et
al.,

Petitioners,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 05-74621

Agency Nos. A75-247-817
A75-247-818

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted March 6, 2006^{**}

Before: BEEZER, T.G. NELSON and BEA, Circuit Judges.

Respondent's unopposed motion to dismiss this petition for review in part for lack of jurisdiction is granted. *See Ekimian v. INS*, 303 F.3d 1153, 1159 (9th Cir. 2002) (holding that this court lacks jurisdiction to review alien's claim that

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

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the Board of Immigration Appeals should have reopened a case under its *sua sponte* authority).

Respondent's motion for summary disposition in part is granted because the questions raised by this petition for review are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard). Accordingly, this petition for review is denied in part. *See* 8 C.F.R. § 1003.2(c)(2) (stating numerical and time limitations on motions to reopen).

All other pending motions are denied as moot. The temporary stay of removal shall continue in effect until issuance of the mandate.

PETITION FOR REVIEW DISMISSED IN PART AND DENIED IN PART.